

ORDINANCE 14-03

AN ORDINANCE AMENDING CHAPTER 22 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, "HISTORIC PRESERVATION;" AMENDING SECTION 22-1, "PURPOSE" AMENDING HISTORICAL SIGNIFICANCE TO INCLUDE CATEGORIES OF HISTORICAL IMPORTANCE; AMENDING SECTION 22-3 BY AMENDING THE DEFINITION OF HISTORIC RESOURCE; AMENDING SECTION 22-74 "POWERS AND DUTIES" AMENDING SIGNIFICANCE AND ELIGIBILITY TO EVALUATE LEVEL OF IMPORTANCE AND ELIGIBILITY; ADDING SECTION 22-75 "CATEGORIES OF HISTORIC IMPORTANCE" ESTABLISHING AND DEFINING FOUR LEVELS OF HISTORIC IMPORTANCE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. Section 22-1 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 22-1. Purpose.

The purpose of this chapter is to identify, evaluate, preserve, and protect historical and archaeological sites and districts, and to promote the cultural, health, moral, economic, educational, aesthetic, and general welfare of the public by:

- (1) Establishing a historic preservation board with the power and duty to review historic sites, areas, structures, and buildings for possible designation as historic resources.
- (2) Empowering the historic preservation board to determine the category of historical significance importance of a ~~designated~~ historic resource and designate those of the highest importance.
- (3) Protecting designated historic resources by requiring the issuance of certificates of appropriateness and certificates to dig before allowing alterations to those resources.
- (4) Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices.
- (5) Stabilizing and improving property values through the revitalization of older residential and commercial neighborhoods.
- (6) Enhancing the town's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities.
- (7) Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage.
- (8) Promoting the sensitive use of historic and archaeological sites, resources, and districts for the education, pleasure, and welfare of the people of the town and county.
- (9) Implementing the historic preservation element of the Fort Myers Beach Comprehensive Plan.

Section 2. Section 22-3 of the Town of Fort Myers Beach Land Development Code is hereby amended to define *Historic Resource* as follows:

Historic resource means any prehistoric or historic district, site, building, structure, object, or other real or personal property of historical, architectural or archaeological value. Historic resources may also include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the town, the county, the state or the United States. ~~Significant~~ Highly important historic resources may be "designated" by the town in accordance with §§ 22-201–22-204 of this chapter.

Section 3. Section 22-74 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 22-74. Powers and duties.

The historic preservation board shall have the following powers and duties:

- (1) To propose rules and procedures to implement the provisions of this chapter to the town council.
- (2) To maintain and update the findings of the historical and archaeological surveys and validate those findings.
- (3) To evaluate the ~~significance and eligibility~~ level of importance of historic resources, and eligibility for designation pursuant to this chapter.
- (4) To designate eligible historic resources pursuant to this chapter.
- (5) To nominate historic resources to the National Register of Historic Places.
- (6) To approve, deny, or approve with conditions applications for special certificates of appropriateness and certificates to dig applicable to historic resources designated pursuant to this chapter.
- (7) To issue certificates, place historical Markers and plaques, and administer other programs aimed at the proper recognition of designated historic resources.
- (8) To advise the town council on all matters related to historic preservation policy, including use, administration, and maintenance of town-owned designated sites and districts.
- (9) To recommend zoning and building code amendments to the town council to assist in the preservation of designated historic resources or districts.
- (10) To review and make recommendations to the town council on proposed amendments to the comprehensive plan or this code that may affect designated historic resources and districts or buildings, structures, districts, or sites eligible for designation.
- (11) To propose and recommend to the town council financial and technical incentive programs to further the objectives of historic preservation.
- (12) To increase the awareness of historic preservation and its community benefits by promoting public education programs.
- (13) To record and maintain records of the actions and decisions of the historic preservation board.
- (14) To apply for, in the name of the town only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

(15) To perform any other function or duty assigned to it by the town council.

Section 4. To create a new Section 22-75 of the Town of Fort Myers Beach Land Development Code as follows:

Sec. 22-75. Categories of Historic Importance.

Upon petition or application, the historic preservation board will evaluate the importance of structures/sites within the town's heritage and issue a determination of Category of Historic Importance (CHI) as follows:

- a. CHI-1 - Historic Designation: Assigned to historic and/or archaeological resources that meet the requirement standards for county, state and/or national registration. Subject to LDC Chapter 22, Article II, Division 3 and Division 4.
- b. CHI2 - Historic Recognition: Assigned to resources that meet the criteria of importance to the cultural, religious, educational, commercial, and tourism historical development and/or archaeological resources of the town.
- c. CHI3 - Historic Significance: Assigned to resources that on an individual basis do not constitute a significant site, but do contribute to the overall significance of a district.
- d. CHI4 - Historic Interest: assigned to areas and vistas that offer insight into understanding the history of the town, the lifestyle of its inhabitants, the historic use of its natural resources and trends in its development.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Vice Mayor Andre and seconded by Council Member Stockton and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor	Aye	Dan Andre, Vice Mayor	Aye
Alan Mandel	Aye	Rexann Hosafros	Aye
Summer Stockton	Aye		

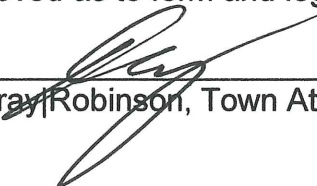
DULY PASSED AND ADOPTED THIS 5th DAY OF JANUARY, 2015, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Anita T. Cereceda, Mayor

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: 
Gray Robinson, Town Attorney